

Social Security

Difference between SSA and SSI benefits

Complicated Process and Forms?

Where is your File?

Overpayments

Disagree with a descision?

Social Security Administration (SSA)

SSA

is meant to supplement a person's retirement income, but has expanded to include not only retirement benefits, but also disability benefits and survivor's benefits. The benefits are based on the wage earners earnings record. The wage earner must have worked and paid into the social security system a certain number of quarters. A disabled person must have worked under social security five out of the last ten years immediately preceding the onset of the person's disability. Social Security defines disability as unable to perform any substantial gainful employment for 12 months or longer.

Supplemental Security Income (SSI)

SSI

is a public assistance program based on proof of financial need AND proof that the claimant is blind, over age 65, or disabled. To avoid overpayment problems, the SSI recipient should always be aware of the kinds of changes that must be reported to the SSI program; changes in income, work activity, medical condition, and living arrangements.

Too complicated?

If

you need help finding the whereabouts of your file, the status of your claim, finding missing payments, getting benefit payments started, retroactive payments, getting an explanation in plain English, or untangling a difficult computations question, or finding out what

recourse you have available to you, contact my district office

Where is your file?

At any given time, your file might be at the local social security office, at one of the SSA program service centers around the country (Richmond, Chicago, New York, etc.), at the Office of Disability Operations in Baltimore, at the state Disability Determination Service (if a disability decision is pending), at the Office of Hearings and Appeals, or at the Appeals Council. Generally, your best point of contact for problems or status of your claim is the local office. However, if your claim is pending a disability determination, you can contact the disability analyst handling your claim at the Disability Determination Service. Sometimes the delay could be a missing medical report which you could help pry loose from your doctor or hospital.

What if you have an overpayment and can't afford to pay it back?

If SSA or the SSI program notifies you that you have an overpayment, you can ask for a waiver of the overpayment on two conditions:

- the overpayment was not your fault AND.
- you cannot meet your necessary living expenses if you pay it back.
- If an overpayment must be recovered, you should be aware that you do not have to pay it back all at once. You can negotiate a monthly partial payment plan with the SSA.

What if you disagree with a decision?

If your initial claim is denied or if you disagree with the Social Security Administration's determination, there is a three-step appeals process of which you would be notified. In each situation, you would have to appeal the prior adverse decision within 60 days.

- Reconsideration.

Based on your request for reconsideration, a different person (from the person who made the original decision) would review your claim and original decision.

- Hearing. If you disagree with a reconsideration decision, you can request a hearing. Your file would be sent to the Office of Hearings and Appeals for scheduling with an Administrative Law Judge. At the hearing, you would be able to explain your case to the judge who will be making the decision.

- Appeal. If you dispute the Administrative Law Judges' decision, you can appeal that decision to the Appeals Council in Virginia.

- If you have been denied at each of these administrative levels of appeal, your final recourse would be to sue the SSA in court.

- If your claim is for disability (Social Security or SSI), it is a medical determination that needs to be made. I do not have the authority to influence that decision or the medical expertise to convince them that someone is disabled. I can help in the area of assuring that your claim receives timely and due process, so please let me know if you feel this kind of inquiry is needed.

If you would like Pete to help, [click here](#) to contact his staff.